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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,501

09/30/2003

Ronald Vaiden Carpenter

MAXTEL I

6048

31704

7590

10/05/2006

JOHN H. THOMAS, P.C.
536 GRANITE AVENUE
RICHMOND, VA 23226

EXAMINER

LA, NICHOLAS T

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,501

Applicant(s)

CARPENTER ET AL.

Examiner

Nicholas T. La

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/21/2006 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1, 3-9 are pending.

Claim 2 is cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable by Marsh et al. (US Patent 6,574,465) in view of Frieman et al. (US Pub. No. 2002/0082991).

Regarding **claim 1**, Marsh et al. teaches a method for managing telecommunication bills for a subscriber, the method comprising the steps of:

- conducting an analysis of a subscriber's telecommunication usage requirements (col. 2, line 5 to 22);
- creating a baseline report to correspond to the subscriber's requirements (col. 2, line 5 to 22, the baseline report comprising creating a usage history table and a call detail table from the actual monthly bills);
- selecting a telecommunication carrier plan to conform to the baseline report (col. 15, line 55 to col. 16, line 9);
- receiving a subsequent bill from the carrier corresponding to the subscriber's actual telecommunication usage (col. 2, line 5 to 22);
- comparing the bill to the baseline report (col. 7, line 66 to col. 8, line 21, Figure 7, col. 18, line 23 to 61);
- identifying exceptions in the bill as compared to the baseline report (Table 8, identifying the cost and efficiency of Mo 6 against the baseline report of Mo1 through Mo 5); and

Art Unit: 2617

requesting billing credit from the carrier in the amount of the identified exceptions (Table 8 shows inherently upon request from the billing system, carriers provide cost and charges for different plans as oppose to different usage for a particular user).

creating an actual report for the subscriber (page 2, line 5 to 22).

However, Marsh et al. does not expressly teach wherein exceptions are billing errors or auditing billing errors. In an analogous art, Frieman et al. teaches comparing telecommunication bill against a pre-determined indices to identify billing errors and generate a request and billing disputes upon detections of billing errors and further create an actual relevant report for users (see Abstract, paragraph [0004]-[0005], [0059]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Marsh et al. to include exceptions are billing errors or auditing billing errors such as taught by Frieman et al. in order to allow an automated reconciliation, payment and accounting system for use by a large scale telecommunications consumers for auditing and managing bills from their communications vendors.

Regarding **claim 3**, Marsh et al. further teaches a method comprising: following-up with the carrier to insure that credit was posted to the subscriber account (Figure 2, element 120; Figure 5; col. 6, line 58 to col. 6, line 11).

Regarding **claim 4**, Marsh et al. further teaches a method, wherein the method is performed on a periodic basis corresponding to the generation of bills by the carrier (col.

Art Unit: 2617

4, line 17 to 33).

Regarding **claim 5**, Marsh et al. further teaches a method comprising:

identifying a new telecommunication carrier plan (col. 2, line 5 to 22; col. 15, line 55 to col. 16, line 9);

comparing the new carrier plan to the baseline report (col. 15, line 55 to col. 16, line 9);

deciding whether the new carrier plan better conforms to the subscriber's usage requirements (col. 2, line 5 to 22).

Regarding **claim 6**, Frieman et al. further teaches wherein the subscriber comprises a plurality of telecommunication users (paragraph [0001]).

Regarding **claim 7**, Marsh et al. further teaches a method, wherein the step of selecting a telecommunication carrier plan to correspond to the baseline report comprises selecting a plurality of telecommunication carrier plans to correspond to the baseline report (col. 15, line 55 to col. 16, line 9).

Regarding **claim 8**, Marsh et al. further teaches a method, wherein the plurality of plans is provided by a plurality of plan carriers (col. 15, line 55 to col. 16, line 9).

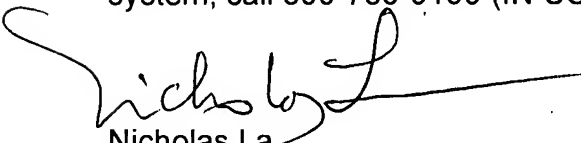
Regarding **claim 9**, Marsh et al. further teaches a method, wherein the analysis of a subscriber's telecommunication usage requirements includes indentifying and suggesting a plurality of carrier options and plans (col. 15, line 55, to col. 16, line 9).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas T. La whose telephone number is (571)-272-8075. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nicholas La
09/27/2006


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER